

Assembly Constitutional Amendment

No. 15

Introduced by Assembly Member Mansoor

(Coauthors: Assembly Members Achadjian, Bill Berryhill, Cook, Donnelly, Grove, Hagman, Harkey, Jeffries, Jones, Knight, Miller, Morrell, Nestande, Nielsen, Olsen, Smyth, Valadao, and Wagner)

January 27, 2011

Assembly Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article V thereof, relating to the Governor’s powers.

LEGISLATIVE COUNSEL’S DIGEST

ACA 15, as introduced, Mansoor. Governor: pardons and commutations.

The California Constitution authorizes the Governor to grant pardons or commutations after sentence has been entered, but prohibits the Governor from granting a pardon or commutation to a person twice convicted of a felony except on recommendation of the Supreme Court, 4 judges concurring.

This measure would require the Governor, at least 30 days prior to granting a pardon or commutation, to provide written notice of the pardon or commutation to the agency that prosecuted the case in which the person was convicted, and to each victim of the crime or crimes for which that person was convicted. The measure would provide that any pardon or commutation issued in violation of these provisions is void.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2011–12 Regular
3 Session commencing on the sixth day of December 2010,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California that the
6 Constitution of the State be amended as follows:

7 That Section 8 of Article V thereof is amended to read:

8 SEC. 8. (a) Subject to application procedures provided by
9 statute, the Governor, on conditions the Governor deems proper,
10 may grant a reprieve, pardon, and commutation, after sentence,
11 except in case of impeachment. The Governor shall report to the
12 Legislature each reprieve, pardon, and commutation granted, stating
13 the pertinent facts and the reasons for granting it. The Governor
14 may not grant a pardon or commutation to a person twice convicted
15 of a felony except on recommendation of the Supreme Court,⁴
16 *four* judges concurring.

17 (b) No decision of the parole authority of this State with respect
18 to the granting, denial, revocation, or suspension of parole of a
19 person sentenced to an indeterminate term upon conviction of
20 murder shall become effective for a period of 30 days, during
21 which the Governor may review the decision subject to procedures
22 provided by statute. The Governor may only affirm, modify, or
23 reverse the decision of the parole authority on the basis of the same
24 factors which the parole authority is required to consider. The
25 Governor shall report to the Legislature each parole decision
26 affirmed, modified, or reversed, stating the pertinent facts and
27 reasons for the action.

28 (c) (1) *At least 30 days prior to granting a pardon or*
29 *commutation, the Governor shall provide written notice of the*
30 *pardon or commutation to the agency that prosecuted the case in*
31 *which the person was convicted and to each victim, as defined in*
32 *subdivision (e) of Section 28 of Article I, of the crime or crimes*
33 *for which the person was convicted. Any pardon or commutation*
34 *issued in violation of this subdivision is void.*

35 (2) *This subdivision does not limit the Governor's power to*
36 *grant a reprieve.*